Roger G. Perkins, Esq., CSB #86617
Rperkins@mpplaw.com
Angela Kim, Esq., CSB #216374
Akim@mpplaw.com
MORRIS POLICH & PURDY LLP
501 West Broadway, Suite 500
San Diego, California 92101
Telephone: (619) 557-0404
Facsimile: (619) 557-0460

Robert S. Mallin, Illinois Bar No. 6205051
Rmallin@brinkshofer.com
Brinks Hofer Gilson & Lione
NBC Tower, Suite 3600
455 North Cityfront Plaza Drive
Chicago, IL 60611-5599
Telephone: (312) 321-4221
Facsimile: (312) 321-4299

Attorneys for Defendants Ryobi Technologies, Inc. and Techtronic Industries North America, Inc.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, As Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff, v. RYOBI TECHNOLOGIES, INC., a Delaware corporation; TECHTRONIC INDUSTRIES NORTH AMERICA, INC., a Delaware corporation; and DOES 1-100 Defendants.	CASE NO. 3:08-cv-00070-BTM-CAB **NOTICE OF MOTION AND DEFENDANTS' MOTION TO STAY THE LITIGATION PENDING THE OUTCOME OF REEXAMINATION PROCEEDINGS** Date: May 16, 2008 Time: 11:00 a.m. Courtroom: 15 Hon. Barry Ted Moskowitz NO ORAL ARGUMENT UNLESS REQUESTED BY THE COURT

NOTICE IS HEREBY GIVEN that on May 16, 2008, or as soon as thereafter as the matter may be heard by the above-entitled Court, located at 940 Front Street, San Diego, CA 92101, Defendants Ryobi Technologies, Inc. ("RTI") and Techtronic Industries North America Inc. ("TTINA") (collectively referred to as "Defendants") will and hereby respectfully move for a stay of the above-captioned proceeding pending the reexaminations of the patent-in-suit, U.S. Patent No. 4,935,184 ("the '184 Patent"), in the United States Patent & Trademark Office ("PTO"). Defendants' counsel conferred with Plaintiff's counsel regarding a stay prior to filing this motion, but Plaintiff has refused to consent to a stay.

This case is in its initial stages. On January 11, 2008, Sorensen Research Development and Trust ("SRDT") sued RTI and TTINA for alleged infringement of the '184 Patent. Defendants filed an answer on March 5, 2008. There has been no other activity in this case. In particular, there has not been a Rule 16 conference, the parties have not exchanged Rule 26 disclosures, an early neutral evaluation has not been scheduled (let alone even discussed), there has not been a scheduling conference, and there is no scheduling order or trial date set.

A stay will avoid the risk of unnecessary discovery and litigation, will permit the clarification of issues for trial, and will not unduly prejudice Plaintiff. Moreover, a stay of the present litigation is further warranted given that this Court has stayed at least five cases relating to the same '184 Patent. It would be a waste of judicial resources for this Court to proceed with this case while granting stays in related cases.

This motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities in Support of the Motion, the Declaration of Robert S. Mallin (all of which have been filed and served concurrently with this Notice of Motion and Motion), on the papers and records on file in this action, and on such other and further oral and documentary evidence as the Court may consider at the time of hearing.

For the reasons set forth in greater detail in the supporting memorandum, Defendants respectfully request that the Court order this case stayed pending completion of the PTO's ongoing reexaminations of the '184 Patent.

Date: March 24, 2008

MORRIS POLICH & PURDY, LLP

By: s/Angela Kim
Attorneys for Defendant
RYOBI TECHNOLOGIES, INC. AND TECHTRONIC INDUSTRIES NORTH AMERICA, INC.
Akim@mpplaw.com